IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 38 OF 2005

Hira Devidas Mahamune .. Petitioner

Vs.

Devidas Kondiba Mahamune .. Respondent

Mr. Madhav Jamdar for petitioner.
Mr. S.M. Suryavanshi for respondent.

CORAM: B.H. MARLAPALLE, J.
Date : July 11, 2005.

P.C.:

1. The petitioner-wife is residing at Pune and by this application she seeks transfer of Hindu Marriage Petition No.81 of 2004, presently pending before the Civil Court, Senior Division, at Parbhani to the Family Court at Pune by exercising powers under Section 24 of the Code of Civil Procedure 1908.

2. It is noticed that the applicants who are residing out side the territorial jurisdiction of the Principal Bench and are seeking transfer of proceedings from a court within the territorial jurisdiction of the Principal Bench, file such application at Mumbai. The wife who is staying at

Chandrapur and sought transfer of proceedings from the Family Court at Bandra to the District Court at Chandrapur had filed a transfer application at Mumbai. In the instant application there is no reason why the petitioner-wife should not approach the Aurangabad Bench of this High Court. Mr. Jamdar the learned counsel for the petitioner, therefore, sought leave to withdraw the application with liberty to file a fresh application before the Aurangabad Bench.

3. Leave granted. Application is allowed to be withdrawn with liberty. Stay to continue for another four weeks.

4. However, the Registrar (Judicial) is directed to examine the issue of entertaining such applications for transfer of proceedings from any court located within the territorial jurisdiction of Nagpur and Aurangabad Bench to be entertained at the Principal Bench and vice versa so that in future, due precautions are taken at the stage where the applications are verified and registered.

(B.H. Marlapalle,J.)